IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5211 OF 2004

| Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders: | Court's or Judge's orders |
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Mr.K. Babu Rajan for the Petitioner.

Mrs.N.V. Masurkar for the Respondents.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 12TH JULY 2005

**P.C.** :

1. Heard Mr.Rajan for the Petitioner. Mrs.Masurkar appears for the Respondents.

2. The Petitioner herein is a son of former employee in Bharat Sanchar Nigam Ltd. His father was invalidated on medical ground. The Petitioner was taken up for training so that he could be absorbed on a compassionate basis. Subsequently, on investigation, the Respondents found that the Petitioner had his own house which was apart from family pension which his father was going to receive and other terminal

benefits. The family pension was Rs.3,610/- and terminal benefits were over Rs.3,84,029/-. In these circumstances, the Respondents passed an order on 6th April 2001 rejecting the request of the Petitioner for appointment on compassionate ground.

3. Mr.Rajan for the Petitioner submitted that the Petitioner was being given training. He submitted that the family of the Petitioner's father is a large family with so many dependants. He further drew our attention to an earlier decision which stated that appointment prior to 18th November 2001 will not be reopened. However, in the present case, we do not find any such appointment having been made prior to that date and whatever difficulties the Petitioner's family is having, the fact remains that adequate retirement benefits as per the law are being provided to his father. Mr.Rajan has referred us to a judgment of the Apex Court in the case of **Umesh Kumar Nagpal v. State of Haryana reported in 1994 SCC (L&S) 930**. The judgment in fact

states that object of compassionate appointment is to enable the penurious family of the deceased employee to tide over the sudden financial crisis and not to provide employment. This being the position, there is no substance in the petition. Petition is rejected.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)